



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Order Confirming Successor Trustee [Prob. C. 17200]

Goldie DOD: 04/20/98		DORETA RUTH WHITTEN, successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Arthur DOD: 03/25/11			
Cont. from 112812		Petitioner states: 1. The ARTHUR WILLIAM MYERS AND GOLDIE MAE MYERS JOINT REVOCABLE LIVING TRUST (the "Trust") was established under the laws of the State of Oregon on 09/14/95 with Arthur Myers & Goldie Myers as Trustors. 2. When the Trust was established, Trustors owned units of Franklin California Tax-Free Income Fund, Inc. – Class I ("Franklin Fund") where were listed on Schedule A as an asset of the Trust. The Franklin Fund was serviced through an account at World Savings Bank. During the course of administration, units of Franklin California Income Fund – Class A were added to the account. The account changed hands during the bank and brokerage mergers and currently both Franklin California Income Funds are held in an account with Chase Investment Services Corporation titled, "Arthur W. Myers, Trustee of the Arthur W. Myers and Goldie May Myers Bypass Trust." 3. Arthur Myers served as initial trustee and the Trustors' daughter, Petitioner Doreta Whitten, was designated to serve as successor trustee. Pursuant to section 1.7 of Article 1 of the Trust, either Trustor, acting alone, had the right to "exercise the rights of revocation, withdrawal, alteration, and amendment..." the Trust when either Trustor died or became incapacitated. 4. After the Trustors moved from Oregon to California, the Trust was restated by a California Attorney on 10/08/97 (the "Restated Trust"). Arthur Myers remained as the initial Trustee and Petitioner remained as successor Trustee. 5. On 04/20/98, Trustor Goldie Myers died and Arthur Myers continued to serve as Trustee.	CONTINUED FROM 11/28/12 Minute Order from 11/28/12 states: Counsel advises the Court that last night one of the intestate heirs contacted Attorney Joanne Sanoian. Counsel further advises that she believes there may be an objection. Counsel requests a continuance. As of 01/23/13, nothing further has been filed.
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

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6. After the death of Goldie Myers, Arthur Myers partially funded the sub-trusts created under the Restated Trust by transferring title on the Chase Investment Services Corporation ("Chase") account to Arthur W. Myers, Trustee of the Arthur W. Myers and Goldie May (sic) Myers Bypass Trust. This account is currently active. Petitioner states that the original Restated Trust was provided to Chase for copying at the time the account was transferred to the sub-trust.
7. Arthur Myers died on 03/25/11. After his death, Petitioner began serving as the sole successor trustee of the Trust and all sub-trusts established thereunder, including the Bypass Trust.
8. As part of her administration of the Trust, Petitioner submitted an Account Registration Change Request to Chase to request that her name be put on the account as successor Trustee. Chase rejected this request on the grounds that since the original Trust document did not use the term "Bypass Trust", the change would violate their internal policy without re-submission of the Restated Trust. (Chase is apparently unable to locate the copy of the Restated Trust provided to them by Mr. Myers).
9. After Mr. Myers death, Petitioner discovered that a portion of the original Restated Trust was missing from Mr. Myer's binder of original documents. After a diligent search, Petitioner has been unable to find the missing pages and has been unable to find a complete copy. The attorney who drafted the Restated Trust, Robert Zehner, has retired and the attorney who took over his firm, Ann Herring, has been unable to locate a copy due to a crash of the firm's computerized storage system. Ms. Herring has confirmed, however, that the appointment of Doreta Ruth Whitten as successor trustee was in effect at the Trustor's death. Without submission of the complete original Restated Trust, Chase will not put Petitioner on the account as successor trustee. Chase advised Petitioner that a court order would be required.

Petitioner prays for an Order:

1. Determining that Doreta Ruth Whitten is the Successor Trustee of the Arthur William Myers and Goldie Mae Myers Joint Revocable Living Trust and all sub-trusts established thereunder, including, without limitation, the Arthur W. Myers and Goldie Mae Myers Bypass Trust; and
2. Determining that Chase Investment Services Corporation account number xxx-x9207 (formerly account number xxx-xx4471) currently held in the name of Arthur W. Myers, Trustee of the Arthur W. Myers and Goldie May Myers Bypass Trust be transferred to Doreta Ruth Whitten, Successor Trustee of the Arthur W. Myers and Goldie Mae Myers Bypass Trust.